



House of Representatives

General Assembly

File No. 366

January Session, 2007

Substitute House Bill No. 6859

House of Representatives, April 5, 2007

The Committee on Environment reported through REP. ROY, R. of the 119th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING ENVIRONMENTAL REAL ESTATE HAZARD DISCLOSURE STATEMENTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective January 1, 2008*) Notwithstanding the
- 2 provisions of section 20-327b of the general statutes, the transferor of
- 3 any real property in this state, or a designated agent of such transferor,
- 4 shall deliver to the prospective transferee an environmental hazard
- 5 disclosure statement regarding whether the subject property is located
- 6 on or within one thousand five hundred feet of an environmentally
- 7 contaminated site. For purposes of this section, "environmentally
- 8 contaminated site" means a site upon which discharge, uncontrolled
- 9 loss, seepage, filtration, leakage, injection, escape, dumping, pumping,
- 10 pouring, emitting, emptying or disposal of oil or petroleum or
- 11 chemical liquids or solids, liquid or gaseous products or hazardous
- 12 wastes has occurred within the previous twenty-five years. Neither the
- 13 transferor nor the listing or selling agent shall be liable for any error,
- 14 inaccuracy or omission of any data not within the personal knowledge

15 of such transferor or agent if such data was based on information
16 provided by public agencies or other entities or persons providing the
17 data.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>January 1, 2008</i>	New section
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Statement of Legislative Commissioners:

Language was added in section 1 for clarity.

ENV *Joint Favorable Subst.-LCO*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

This bill requires an environmental hazard disclosure statement provided by sellers of real estate to prospective buyers, and has no fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 6859*****AN ACT CONCERNING ENVIRONMENTAL REAL ESTATE
HAZARD DISCLOSURE STATEMENTS.*****SUMMARY:**

This bill adds an environmental reporting condition to the requirements a property transferor (seller) must deliver to a prospective transferee (buyer). Specifically, the bill requires a property seller, or his or her designated agent, to give a buyer an environmental hazard disclosure statement indicating whether the property is located on or within 1,500 feet of an environmentally contaminated site. The bill specifies this requirement is in addition to the residential condition report most residential real estate sellers must provide the buyer before the binder or contract for sale is executed. The bill's reporting requirement also applies to nonresidential property.

The bill defines "environmentally contaminated site" as one upon which discharge, uncontrolled loss, seepage, filtration, leakage, injection, escape, dumping, pumping, pouring, emitting, emptying, or disposal of one of the following occurred in the previous 25 years: (1) oil or petroleum, (2) chemical liquids or solids, (3) liquid or gaseous products, or (4) hazardous wastes.

Under the bill, neither the seller nor the listing or selling agent is liable for any error, inaccuracy, or omission of any data that seller or agent did not personally know, if the data was based on information that public agencies or other people or entities provided.

EFFECTIVE DATE: January 1, 2008

COMMITTEE ACTION

Environment Committee

Joint Favorable

Yea 24 Nay 6 (03/19/2007)